HONOURABLE SRI JUSTICE K.C. BHANU

W.P.No.17638 of 2005

Dated 31st August, 2005

Between:

S.V.V.Subrahmanyam, S/o.Late
Satyanarayana, aged 60 years,
Fair Price Shop Dealer, Shop No.7,
Rampa Yerrampalem (V),
Gokavaram (M), E.G.Dist. .. Petitioner

And

The Joint Collector,
East Godavari District at Kakinada and
two others .. Respondents

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ORAL ORDER:

This writ petition is filed seeking a Mandamus declaring the action of the respondents in not supplying the essential commodities to the petitioner (Fair Price Shop Dealer) of Shop No.7 of Rampa Yerrampalem village, Gokavaram Mandal, East Godavari District as

illegal and arbitrary.

After filing the writ petition, the Assistant Collector, Rajahmundry, cancelled the authorization issued to the petitioner. Therefore, the petitioner filed W.P.M.P.No.24250 of 2005 seeking amendment of the prayer in the writ petition, and the application is ordered.

Now, the petitioner challenges the proceedings dated 11.8.2005 of the Assistant Collector, Rajahmundry on the ground that no opportunity was given to him to put forth his version nor a show cause notice indicating cancellation of authorization was issued, thereby, the respondents have violated the principles of natural justice.

Heard the learned counsel for the petitioner and the learned Government Pleader for Civil Supplies and perused the material placed on record.

As seen from the impugned proceedings, there is no indication that a notice was issued to the petitioner or his explanation was called for before the impugned proceedings were passed which is a total violation of the principles of natural justice. Therefore, the impugned proceedings are liable to be set aside.

Fore the foregoing reasons, the writ petition is allowed setting aside the proceedings dated 11.8.2005 of the Assistant Collector, Rajahmundry and remitting the matter to the Assistant Collector for taking appropriate decision after affording a reasonable opportunity to the petitioner. No order as to costs.

31.08.2005

bcj